



WESTFIELD-WASHINGTON
BOARD OF ZONING APPEALS

October 09, 2012

1210-VU-05

Exhibit 1

Petition Number: 1210-VU-05

Subject Site Address: 3144 East State Road 32

Petitioner: Brad Barnes / Westfield Crossing Co.

Request: The petitioner is requesting a Variance of Use from the Westfield-Washington Zoning Ordinance (WC 16.04.050, D2) to allow auto rental in the Local Business (LB) District.

Current Zoning: Local Business

Current Land Use: Commercial

Approximate Acreage: 6 acres

Exhibits:

1. Staff Report
2. Aerial Location Map
3. Petitioner's Application

Staff Reviewer: Sarah L. Reed, AICP

Petition History

This petition will receive a public hearing at the October 9, 2012 Board of Zoning Appeals meeting.

Property History

On April 27, 1998 the Westfield Crossing site development plan was approved by the Plan Commission (98-AP-14).



Analysis

The subject property is approximately six (6) acres in size and is located at 3144 East State Road 32 (the "Property"). The Property is zoned Local Business (LB). The petitioner would like to fill a tenant space towards the west end of the commercial center with an auto rental business (the "Proposed Use"). "Auto Rental" is permitted in the General Business (GB) District, but it is not a permitted use within LB.

The Proposed Use is limited in size and will serve as a satellite office of an auto rental business.

Procedural

A Board of Zoning Appeals shall approve or deny variances of use from the terms of the zoning ordinance. The Board may impose reasonable conditions as a part of its approval. A variance may be approved under Ind. Code § 36-7-4-918.4 upon a determination in writing that:

1. *The approval will not be injurious to the public health, safety, morals, and general welfare of the community:*

Finding: It is unlikely that allowing an auto rental business on the Property would be injurious to the public health, safety, morals, and general welfare of the community. The Property is currently being used in a similar manner (retail/service center). Additionally, the Proposed Use is limited in size and will likely result in approximately eight (8) cars being parked in the parking lot of an existing commercial center.

2. *The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner:*

Finding: It is unlikely that the use and value of adjacent property will be affected in a substantially adverse manner. The Proposed Use is service in nature and is compatible with existing uses within the commercial center.



3. *The need for the variance of use arises from some condition particular to the property involved:*

Finding: The Property is zoned Local Business which does not permit Auto Rental. The Property is designed for local commercial and includes retail and services uses such as: floor covering store, paint store, two (2) restaurants, salon, window coverings store, tanning salon, consignment store, auto parts sales, and an eye doctor. This commercial center, not unlike others of similar nature, has not functioned at full capacity in the recent past due to the economic downturn. The Proposed Use will increase the occupancy of this center, to almost full capacity, without creating much of an impact to the existing tenants and/or neighbors. Additionally, this use would serve the existing client base in the area (e.g., collision care, automotive services, residential neighborhoods, etc.).

4. *The strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property for which the variance of use is sought:*

Finding: Strictly applying the zoning ordinance would not permit the requested use. The Property is currently zoned Local Business, which does not permit Auto Rental. The Proposed Use is a service use and would typically be found in a commercial center similar to one that exists on the Property.

5. *The approval does not interfere substantially with the comprehensive plan:*

Finding: The Westfield-Washington Comprehensive Plan (the "Comprehensive Plan") recommends that this area is local commercial. Local commercial areas, according to the Comprehensive Plan, are intended to provide goods and services used by nearby residents on a day-to-day basis. Examples listed in the Comprehensive Plan include: banks, drug stores, convenience stores, automobile service stations, restaurants, etc.

Recommendations

Approve 1210-VU-05 based on the findings of this report, with the following conditions:

- That the approved Auto Rental use limit parking of the rental cars to the eight (8) designated spaces (as identified in Exhibit B) in the front lot.
- The eight (8) designated front parking lot spaces should be identified as reserved for the Auto Rental use with stenciling and/or signs that are less than one (1) square foot per each parking space.
- The west side parking area (as identified in Exhibit D) can be utilized for the overflow parking of no more than twelve (12) additional rental cars.